

RENEE M. CRAIN,)
)
Plaintiff,)
)
vs.) Civil Action No. _____
)
STEPHEN W. BRUMIT AND THE)
CASH COMPANY OF TENNESSEE,)
)
Defendants.)

Pursuant to 28 U.S.C. §§ 1331, 1441, and 1446, Defendants Stephen W. Brumit and The Cash Company of Tennessee (“Defendants”) by and through their undersigned counsel, respectfully file this Notice of Removal of the above-captioned case from the Circuit Court of Hawkins County, Tennessee, to the United States District Court for the Eastern District of Tennessee, Northeastern Division. In support of this Notice of Removal, Defendants respectfully state as follows:

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2. Pursuant to 28 U.S.C. § 1446(a), true and correct copies of all process, pleadings and orders served on Defendants in the State Court Action are attached hereto as Exhibit A. Other than Plaintiff's Complaint and the State Court Summons, Defendants are not aware of any other proceedings that have transpired in this matter.

3. Plaintiff's Complaint and copies of the Summonses in the State Court Action — but not the original Summonses — were served on Defendants through Defendants' counsel on May 3, 2017, via U.S. regular mail.

4. This Notice of Removal is filed within thirty days after receipt by Defendants of a copy of the Summons and Plaintiff's Complaint and is, therefore, timely filed pursuant to 28 U.S.C. § 1446(b). All Defendants join in the removal of this action.

5. A suit which arises under the laws of the United States confers original jurisdiction upon the appropriate federal district court. 28 U.S.C. § 1331. Plaintiff's Complaint in the State Court Action asserts a single claim for "legal relief" pursuant to "the Fair Labor Standards Act of 1938 ('FLSA'), or ('The Act'), 29 U.S.C. § 201, *et. [sic] seq.*" (Plaintiff's Complaint, ¶ 1.) Plaintiff's Complaint states that "This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1331 regarding federal question jurisdiction." (Plaintiff's Complaint, ¶ 11.) Plaintiff's Complaint does not include any other claims nor any claims arising under state statutory or common law.

6. This Court has original subject matter jurisdiction over this matter pursuant to 28 U.S.C. § 1331. Removal of Plaintiff's State Court Action is proper pursuant to 28 U.S.C. § 1441.

7. Pursuant to 28 U.S.C. § 1446(a), the United States District Court for the Eastern District of Tennessee, Northeastern Division, is the federal district court for the district and

division embracing the place where the state court case is pending. Accordingly, this Court is the proper Court for removal.

8. As required by 28 U.S.C. § 1446(d), a Notice to State Court of Filing Notice of Removal, along with a copy of this Notice of Removal, will be promptly filed in the State Court and served on Plaintiff's counsel. Attached as Exhibit B is a true and exact copy of the "Notice to State Court of Filing Notice of Removal" (without exhibits) that is being filed with the State Court. Attached hereto as Exhibit C is a true and exact copy of the "Notice to Plaintiff of Filing of Notice of Removal" that is also being filed with the State Court.

9. A filing fee in the appropriate amount is submitted to the clerk of the Court simultaneously herewith.

WHEREFORE, Defendants respectfully request the removal of this action from the Circuit Court of Hawkins County, Tennessee to this honorable Court.

Dated this 31st day of May, 2017.

Respectfully Submitted,

**STEPHEN W. BRUMIT AND THE CASH
COMPANY OF TENNESSEE**

By: s/ **Stephen M. Darden**
Stephen M. Darden
HUNTER, SMITH & DAVIS, LLP
100 Med Tech Pkwy., Ste. 110
Johnson City, TN 37604
TN BPR No. 011461
(423) 283-6303; Fax: (423) 283-6301

s/ **Joseph B. Harvey**
Joseph B. Harvey
TN BPR No. 028891
HUNTER, SMITH & DAVIS, LLP
1212 North Eastman Road
Kingsport, Tennessee 37664
(423) 378-8854; Fax: (423) 378-8801

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and exact copy of the foregoing **Notice of Removal** has been served upon the following by placing a copy of same with the United States Postal Service with sufficient postage to carry same to said destination(s).

F. Braxton Terry
THE TERRY LAW FIRM
918 West First North Street
Post Office Box 724
Morristown, Tennessee 37815-0724

Jeffrey C. Taylor
TAYLOR LAW FIRM
365 W. Third North Street
Post Office Box 2004
Morristown, Tennessee 37816-2004

THIS the 31st day of May, 2017.

HUNTER, SMITH & DAVIS, LLP

s/ Stephen M. Darden

Stephen M. Darden